

CGS Chapter 54 regulation filing statutes as they will read on and after July 1, 2013

This is an unofficial compilation of changes to Chapter 54 of the *Connecticut General Statutes* enacted by Public Acts 12-92 and 13-247. The official compilation will be forthcoming in 2014 from the Legislative Commissioners' Office when the 2014 *Supplement to the General Statutes* is issued. State agencies should review the 2013 revision of the *Connecticut General Statutes* and Public Acts 12-92 and 13-247 to confirm the information provided below.

<p>PA 13-237, Sec. 26. (Effective July 1, 2013)</p>	<p>(NEW) (a) The Secretary of the State shall establish and maintain the eRegulations System, which shall consist of the regulations of Connecticut state agencies adopted by all state agencies subsequent to October 27, 1970. The Commission on Official Legal Publications shall, within available appropriations, provide any assistance requested by the Secretary of the State in the creation of the eRegulations System. On and after October 1, 2014, the eRegulations System shall also include the official electronic regulation-making record described in section 4-168b of the general statutes, as amended by this act. On and after the date the Secretary of the State certifies the eRegulations System as sufficient pursuant to this section, the regulations of Connecticut state agencies maintained by the Secretary on said system shall be the official version of the regulations of Connecticut state agencies for all purposes, including all legal and administrative proceedings. The eRegulations System shall be easily accessible to and searchable by the public. The Secretary of the State may specify the format in which state agencies shall submit the final approved version of such regulations and all other documents required pursuant to this section and sections 4-167, 4-168, 4-170 and 4-172 of the general statutes, as amended by public act 12-92 and this act, and all state agencies shall follow the instructions of the Secretary of the State with respect to agency submissions to the Secretary. On and after July 1, 2013, the Secretary of the State shall post on the eRegulations System all effective regulations of Connecticut state agencies as provided by the Commission on Official Legal Publications. The Secretary of the State shall designate such posting as an unofficial version of the regulations of Connecticut state agencies until such time as the Secretary certifies in writing that the eRegulations System is technologically sufficient to serve as the official version of the regulations of Connecticut state agencies. Such certification shall be made on or before October 1, 2014, and shall be published on the Secretary's Internet web site and in the Connecticut Law Journal. Until such time as the Secretary makes such certification: (1) The Secretary, upon receipt of the certified electronic copy of an approved regulation in accordance with section 4-172 of the general statutes, as amended by this act, shall forward an electronic copy of such regulation to the Commission on Official Legal Publications for publication in accordance with this section, (2) the Commission on Official Legal Publications shall continue to publish the regulations of Connecticut state agencies, and (3) such published version shall be the official version of said regulations.</p> <p>(b) Each agency and quasi-public agency with regulatory authority shall post a conspicuous web site link to the eRegulations System on the agency's or quasi-public agency's Internet web site and shall, if practicable, link to the specific provisions of the regulations of Connecticut state agencies that concern the agency's or quasi-public agency's particular programs.</p> <p>(c) Not later than January 1, 2014, the Secretary of the State shall develop and implement a plan to maintain a paper copy at the office of the Secretary of the State of all of the regulations of Connecticut state agencies posted on the eRegulations System.</p>
<p>PA 13-247, Sec. 27 (Effective July 1, 2013, and applicable to regulations noticed on</p>	<p>Section 4-167 of the general statutes, as amended by section 1 of public act 12-92, is repealed and the following is substituted in lieu thereof</p> <p>(a) In addition to other regulation-making requirements imposed by law, each agency shall: (1) Adopt as a regulation a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests; (2) adopt as a regulation rules of practice setting forth the nature and requirements of all formal and informal procedures available provided such rules shall be in conformance with the</p>

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<i>and after said date):</i>	<p>provisions of this chapter; and (3) make available for public inspection, upon request, [paper] copies of all regulations and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions, and all forms and instructions used by the agency.</p> <p>(b) No agency regulation is enforceable against any person or party, nor may it be invoked by the agency for any purpose, until (1) it has been made available for public inspection as provided in this section, and (2) the regulation or a notice of the adoption of the regulation has been published in the Connecticut Law Journal if noticed prior to July 1, 2013, or posted [online by the Secretary of the State] <u>on the eRegulations System</u> pursuant to section [4-173] <u>4-172, as amended by this act, and section 26 of this act</u>, if noticed on or after July 1, 2013. This provision is not applicable in favor of any person or party who has actual notice or knowledge thereof. The burden of proving the notice or knowledge is on the agency.</p>
PA 13-247, Sec. 28. <i>(Effective July 1, 2013, and applicable to regulations noticed on and after said date):</i>	<p>Section 4-168 of the general statutes, as amended by section 2 of public act 12-92, is repealed and the following is substituted in lieu thereof</p> <p>(a) Except as provided in subsections (f) and (g) of this section, an agency, not less than thirty days prior to adopting a proposed regulation, shall (1) give notice by [having the Secretary of the State post] <u>posting</u> a notice of its intended action [online] <u>on the eRegulations System</u>. The notice shall include (A) either a statement of the terms or of the substance of the proposed regulation or a description sufficiently detailed so as to apprise persons likely to be affected of the issues and subjects involved in the proposed regulation, (B) a statement of the purposes for which the regulation is proposed, (C) a reference to the statutory authority for the proposed regulation, (D) when, where and how interested persons may obtain a copy of the small business impact and regulatory flexibility analyses required pursuant to section 4-168a, and (E) when, where and how interested persons may present their views on the proposed regulation; (2) give notice electronically to each joint standing committee of the General Assembly having cognizance of the subject matter of the proposed regulation; (3) give notice electronically or provide a paper copy to all persons who have made requests to the agency for advance notice of its regulation-making proceedings. The agency may charge a reasonable fee for such notice if not given electronically based on the estimated cost of providing the service; (4) provide a paper copy or electronic version of the proposed regulation to persons requesting it. The agency may charge a reasonable fee for paper copies in accordance with the provisions of section 1-212; and (5) prepare a fiscal note, including an estimate of the cost or of the revenue impact (A) on the state or any municipality of the state, and (B) on small businesses in the state, including an estimate of the number of small businesses subject to the proposed regulation and the projected costs, including but not limited to, reporting, recordkeeping and administrative, associated with compliance with the proposed regulation and, if applicable, the regulatory flexibility analysis prepared under section 4-168a. The governing body of any municipality, if requested, shall provide the agency, within twenty working days, with any information that may be necessary for analysis in preparation of such fiscal note. Except as provided in subsections (f) and (g) of this section, any such agency shall also: Afford all interested persons reasonable opportunity to submit data, views or arguments, orally at a hearing if granted under this subsection or in writing, and to inspect and copy or view online and print the fiscal note prepared pursuant to subdivision (5) of this subsection; grant an opportunity to present oral argument if requested by fifteen persons, by a governmental subdivision or agency or by an association having not less than fifteen members, if notice of the request is received by the agency</p>

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	<p>not later than fourteen days after the date of posting of the notice by the [Secretary of the State] <u>agency on the eRegulations System</u>; and consider fully all written and oral submissions respecting the proposed regulation and revise the fiscal note prepared in accordance with the provisions of subdivision (5) of this subsection to indicate any changes made in the proposed regulation. [Not later than five calendar days after such agency submits such notice and documents to the Secretary of the State, the Secretary] <u>On and after October 1, 2014, each agency</u> shall post [the notice and] all [accompanying] documents prepared by the agency pursuant to this subsection [online and] <u>on the eRegulations System</u>. <u>Each agency</u> shall electronically notify [all persons who have requested] <u>and, if requested, provide a paper copy of such notice to any person who requests</u> to be notified of any regulation-making proceedings. [Each agency shall also post the notice and all accompanying documents on its Internet web site.] No regulation shall be found invalid due to the failure of an agency to give notice to each committee of cognizance pursuant to subdivision (2) of this subsection, provided one such committee has been so notified.</p> <p>(b) If an agency is required by a public act to adopt regulations, the agency, not later than five months after the effective date of the public act or by the time specified in the public act, shall post [online on its Internet web site] <u>on the eRegulations System</u> notice of its intent to adopt regulations, [and submit to the office of the Secretary of the State for posting online pursuant to subsection (a) of this section such notice.] If the agency fails to post the notice within such five-month period or by the time specified in the public act, the agency shall submit an electronic statement of its reasons for failure to do so to the Governor, the joint standing committee having cognizance of the subject matter of the regulations and the standing legislative regulation review committee <u>and on and after October 1, 2014, post such statement on the eRegulations System</u>. The agency shall submit the required regulations to the standing legislative regulation review committee, as provided in subsection (b) of section 4-170, <u>as amended by this act</u>, not later than one hundred eighty days after posting the notice of its intent to adopt regulations, or electronically submit a statement of its reasons for failure to do so to the committee.</p> <p>(c) An agency may begin the regulation-making process under this chapter before the effective date of the public act requiring or permitting the agency to adopt regulations, but no regulation may take effect before the effective date of such act.</p> <p>(d) Upon reaching a decision on whether to proceed with the proposed regulation or to alter its text from that initially proposed, the agency, at least twenty days before submitting the proposed regulation to the standing legislative regulation review committee, shall (1) post on the [agency's Internet web site, (2) submit to the office of the Secretary of the State for posting online, and (3) either electronically mail or mail a paper copy] <u>eRegulations System, and (2) send</u> to all persons who have made submissions pursuant to subsection (a) of this section or who have made statements or oral arguments concerning the proposed regulation and who have requested notification, notice that it has decided to take action on the proposed regulation [and that it has posted on the agency's Internet web site] and has made available for copying and inspection pursuant to the Freedom of Information Act, as defined in section 1-200: (A) The final wording of the proposed regulation; (B) a statement of the principal reasons in support of its intended action; and (C) a statement of the principal considerations in opposition to its intended action as urged in written or oral comments on the proposed regulation and its reasons for rejecting such considerations.</p> <p>(e) Except as provided in subsection (f) of this section, no regulation may be adopted, amended or</p>
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	<p>repealed by any agency until it is (1) approved by the Attorney General as to legal sufficiency, as provided in section 4-169, <u>as amended by this act</u>, (2) approved by the standing legislative regulation review committee, as provided in section 4-170, <u>as amended by this act</u>, and (3) posted [online] <u>on the eRegulations System</u> by the office of the Secretary of the State, as provided in section 4-172, <u>as amended by this act</u>, and section 26 of this act.</p> <p>(f) (1) An agency may proceed to adopt an emergency regulation in accordance with this subsection without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable if (A) the agency finds that adoption of a regulation upon fewer than thirty days' notice is required (i) due to an imminent peril to the public health, safety or welfare or (ii) by the Commissioner of Energy and Environmental Protection in order to comply with the provisions of interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or to meet unforeseen circumstances or emergencies affecting marine resources, (B) the agency states in writing its reasons for that finding, and (C) the Governor approves such finding in writing.</p> <p>(2) The original of such emergency regulation and an electronic copy shall be submitted to the standing legislative regulation review committee in the form prescribed in subsection (b) of section 4-170, <u>as amended by this act</u>, together with a statement of the terms or substance of the intended action, the purpose of the action and a reference to the statutory authority under which the action is proposed, not later than ten days, excluding Saturdays, Sundays and holidays, prior to the proposed effective date of such regulation. The committee may approve or disapprove the regulation, in whole or in part, within such ten-day period at a regular meeting, if one is scheduled, or may upon the call of either chairman or any five or more members hold a special meeting for the purpose of approving or disapproving the regulation, in whole or in part. Failure of the committee to act on such regulation within such ten-day period shall be deemed an approval. If the committee disapproves such regulation, in whole or in part, it shall notify the agency of the reasons for its action. An approved regulation, posted [online] <u>on the eRegulations System</u> by the office of the Secretary of the State, may be effective for a period of not longer than one hundred twenty days renewable once for a period of not exceeding sixty days, provided notification of such sixty-day renewal is posted [online] <u>on the eRegulations System</u> by the office of the Secretary of the State and an electronic copy of such notice is sent to the committee, but the adoption of an identical regulation in accordance with the provisions of subsections (a), (b) and (d) of this section is not precluded. The sixty-day renewal period may be extended an additional sixty days for emergency regulations described in subparagraph (A)(ii) of subdivision (1) of this subsection, provided the Commissioner of Energy and Environmental Protection requests of the standing legislative regulation review committee an extension of the renewal period at the time such regulation is submitted or not less than ten days before the first sixty-day renewal period expires and said committee approves such extension. Failure of the committee to act on such request within ten days shall be deemed an approval of the extension.</p> <p>(3) If the necessary steps to adopt a permanent regulation, including the posting of notice of intent to adopt, preparation and submission of a fiscal note in accordance with the provisions of subsection (b) of section 4-170, <u>as amended by this act</u>, and approval by the Attorney General and the standing legislative regulation review committee, are not completed prior to the expiration date of an emergency regulation, the emergency regulation shall cease to be effective on that date.</p> <p>(g) If an agency finds (1) that technical amendments to an existing regulation are necessary because</p>
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	<p>of (A) the statutory transfer of functions, powers or duties from the agency named in the existing regulation to another agency, (B) a change in the name of the agency, (C) the renumbering of the section of the general statutes containing the statutory authority for the regulation, or (D) a correction in the numbering of the regulation, and no substantive changes are proposed, or (2) that the repeal of a regulation is necessary because the section of the general statutes under which the regulation has been adopted has been repealed and has not been transferred or reenacted, it may elect to comply with the requirements of subsection (a) of this section or may proceed without prior notice or hearing, provided the agency has posted such amendments to or repeal of a regulation on [its Internet web site] <u>the eRegulations System</u>. Any such amendments to or repeal of a regulation shall be submitted in the form and manner prescribed in subsection (b) of section 4-170, <u>as amended by this act</u>, to the Attorney General, as provided in section 4-169, <u>as amended by this act</u>, and to the standing legislative regulation review committee, as provided in section 4-170, <u>as amended by this act</u>, for approval and upon approval shall be submitted to the office of the Secretary of the State <u>for posting on the eRegulations System</u> with, in the case of renumbering of sections only, a correlated table of the former and new section numbers.</p> <p>(h) No regulation adopted after October 1, 1985, is valid unless adopted in substantial compliance with this section. A proceeding to contest any regulation on the ground of noncompliance with the procedural requirements of this section shall be commenced within two years from the effective date of the regulation.</p>
<p>PA 12-92 Section 3, is effective July 1, 2013, until 10/1/2014, after which section 29 of PA 13-247 becomes effective</p>	<p>Sec. 4-168b. Regulation-making record. (a) Each agency shall maintain an official regulation-making record for the period required by law for each regulation it proposes in accordance with the provisions of section 4-168. The regulation-making record and materials incorporated by reference in the record shall be available for public inspection and copying and when required under any provision of this chapter, posted on the Internet web site of the agency.</p> <p>(b) The agency regulation-making record shall contain: (1) Copies of all notices of the agency's intent to adopt regulations submitted to the office of the Secretary of the State; (2) a copy of any written analysis prepared for the proceeding upon which the regulation is based, including the regulatory flexibility analyses required pursuant to section 4-168a; (3) all written petitions, requests, submissions, and comments received by the agency and considered by the agency in connection with the formulation, proposal or adoption of the regulation or the proceeding upon which the regulation is based; (4) the official transcript, if any, of proceedings upon which the regulation is based or, if not transcribed, any tape recording or stenographic record of such proceedings, and any memoranda prepared by any member or employee of the agency summarizing the contents of the proceedings; (5) a copy of all official documents relating to the regulation, including the regulation submitted to the office of the Secretary of the State in accordance with section 4-172, a statement of the principal considerations in opposition to the agency's action, and the agency's reasons for rejecting such considerations, as required pursuant to section 4-168 and the fiscal note prepared pursuant to subsection (a) of section 4-168 and section 4-170; (6) a copy of any petition for the regulation filed pursuant to section 4-174; and (7) copies of all comments or communications between the agency and the legislative regulation review committee.</p> <p>(c) The agency regulation-making record need not constitute the exclusive basis for agency</p>

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	<p>action on that regulation or for judicial review thereof.</p> <p style="text-align: center;">(P.A. 88-317, S. 8, 107; P.A. 09-19, S. 3; P.A. 12-92, S. 3.)</p> <p>On and after October 1, 2014, CGS 4-168b will read as follows:</p> <p><i>PA 13-247, Sec. 29. Section 4-168b of the general statutes, as amended by section 3 of public act 12-92, is repealed and the following is substituted in lieu thereof (Effective October 1, 2014, and applicable to regulations noticed on and after said date):</i></p> <p><i>(a) Each agency shall [maintain] <u>create an official electronic regulation-making record that shall be retained on the eRegulations System for the period required by law for each regulation [it proposes] proposed in accordance with the provisions of section 4-168, as amended by this act.</u> The regulation-making record and materials incorporated by reference in the record shall be available for public inspection and copying. [and when required under any provision of this chapter, posted on the Internet web site of the agency.]</i></p> <p><i>(b) The [agency] regulation-making record shall contain: (1) [Copies of all notices of the] <u>The agency's notice of intent to adopt regulations; [submitted to the office of the Secretary of the State;</u> (2) <u>a copy of] (2) any written analysis prepared for the proceeding upon which the regulation is based, including the regulatory flexibility analyses required pursuant to section 4-168a; (3) all written petitions, requests, submissions, and comments received by the agency and considered by the agency in connection with the formulation, proposal or adoption of the regulation or the proceeding upon which the regulation is based; (4) the official transcript, if any, of proceedings upon which the regulation is based or, if not transcribed, any tape recording or stenographic record of such proceedings, and any memoranda prepared by any member or employee of the agency summarizing the contents of the proceedings; (5) [a copy of] all official documents relating to the regulation, including the regulation submitted to the office of the Secretary of the State in accordance with section 4-172, as amended by this act, a statement of the principal considerations in opposition to the agency's action, and the agency's reasons for rejecting such considerations, as required pursuant to section 4-168, as amended by this act, and the fiscal note prepared pursuant to subsection (a) of section 4-168, as amended by this act, and section 4-170, as amended by this act; (6) [a copy of] any petition for the regulation filed pursuant to section 4-174; and (7) [copies of] all comments or communications between the agency and the legislative regulation review committee. <u>No audio recording of a hearing held pursuant to section 4-168, as amended by this act, shall be posted on the eRegulations System unless the Secretary of the State confirms that such posting will not constitute a violation of any state or federal law regarding accessibility for persons with disabilities. Any audio recording of a hearing held pursuant to section 4-168, as amended by this act, that is not posted on the eRegulations System shall be maintained by the agency and made available to the public upon request.</u></u></i></p> <p><i>(c) The agency regulation-making record need not constitute the exclusive basis for agency action on that regulation or for judicial review thereof.</i></p>
Currently effective until July 1,	<p>Sec. 4-169. Approval of regulation by Attorney General. No adoption, amendment or repeal of any regulation, except a regulation issued pursuant to subsection (f) of section 4-168, shall be</p>

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2014, when Section 30 of PA 13-247 becomes effective	<p>effective until the original of the proposed regulation has been submitted to the Attorney General by the agency proposing such regulation and approved by the Attorney General or by some other person designated by the Attorney General for such purpose. The review of such regulations by the Attorney General shall be limited to a determination of the legal sufficiency of the proposed regulation. If the Attorney General or the Attorney General's designated representative fails to give notice to the agency of any legal insufficiency within thirty days of the receipt of the proposed regulation, the Attorney General shall be deemed to have approved the proposed regulation for purposes of this section. The approval of the Attorney General shall be indicated on the original of the proposed regulation which shall be submitted to the standing legislative regulation review committee. As used in this section "legal sufficiency" means (1) the absence of conflict with any general statute or regulation, federal law or regulation or the Constitution of this state or of the United States, and (2) compliance with the notice and hearing requirements of section 4-168.</p> <p style="text-align: center;">(1971, P.A. 854, S. 4; P.A. 80-471, S. 3; P.A. 87-589, S. 19, 87; P.A. 88-317, S. 4, 107; P.A. 01-195, S. 74, 181; P.A. 04-58, S. 3; P.A. 10-32, S. 153.)</p> <p><i>On and after July 1, 2014, CGS 4-169 will read as follows:</i></p> <p><i>PA 13-247, Sec. 30. Section 4-169 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2014, and applicable to regulations noticed on and after said date):</i></p> <p><i>No adoption, amendment or repeal of any regulation, except a regulation issued pursuant to subsection (f) of section 4-168, <u>as amended by this act</u>, shall be effective until the original of the proposed regulation and any revision of a regulation to be resubmitted to the standing legislative regulation review committee has been submitted <u>electronically</u> to the Attorney General by the agency proposing such regulation and approved by the Attorney General or by some other person designated by the Attorney General for such purpose. The review of such regulations by the Attorney General shall be limited to a determination of the legal sufficiency of the proposed regulation. If the Attorney General or the Attorney General's designated representative fails to give notice to the agency of any legal insufficiency within thirty days of the receipt of the proposed regulation, the Attorney General shall be deemed to have approved the proposed regulation for purposes of this section. The approval of the Attorney General shall be [indicated on the original of the proposed regulation which] <u>provided to the agency electronically and shall be submitted electronically by the agency</u> to the standing legislative regulation review committee. As used in this section "legal sufficiency" means (1) the absence of conflict with any general statute or regulation, federal law or regulation or the Constitution of this state or of the United States, and (2) compliance with the notice and hearing requirements of section 4-168, <u>as amended by this act</u>.</i></p>
PA 12-92 Sections 4 and 5, are effective July 1, 2013 until July 1, 2014 , when Section 31	<p>Sec. 4-170. Legislative regulation review committee. Filing requirements for regulations. Fiscal notes required. (a) There shall be a standing legislative committee to review all regulations of the several state departments and agencies following the proposal thereof, which shall consist of eight members of the House of Representatives, four from each major party, to be appointed on the first Wednesday after the first Monday in January in the odd-numbered years, by the speaker of said House, and six members of the Senate, three from each major party, to be appointed on or before said dates by the president pro tempore of the Senate. The members shall serve for the balance of the term for which they were elected. Vacancies shall be filled by appointment by the authority</p>

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<p>of PA 13-247 becomes effective</p>	<p>making the appointment. The members of the committee shall elect from among their members two cochairpersons, one of whom shall be a member of the Senate and one of whom shall be a member of the House of Representatives, and either of whom may call meetings of the committee for the performance of its duties.</p> <p>(b) (1) No adoption, amendment or repeal of any regulation, except a regulation issued pursuant to subsection (f) of section 4-168, shall be effective until (A) the original of the proposed regulation approved by the Attorney General, as provided in section 4-169, the regulatory flexibility analyses as provided in section 4-168a and an electronic copy thereof are submitted to the standing legislative regulation review committee at the designated office of the committee, in a manner designated by the committee, by the agency proposing the regulation, (B) the regulation is approved by the committee, at a regular meeting or a special meeting called for the purpose, and (C) a certified copy of the regulation and an electronic copy are submitted to the office of the Secretary of the State by the agency, as provided in section 4-172 and the regulation is posted online by the Secretary. (2) The date of submission for purposes of subsection (c) of this section shall be the first Tuesday of each month. Any regulation received by the committee on or before the first Tuesday of a month shall be deemed to have been submitted on the first Tuesday of that month. Any regulation submitted after the first Tuesday of a month shall be deemed to be submitted on the first Tuesday of the next succeeding month. (3) The form of proposed regulations which are submitted to the committee shall be as follows: New language added to an existing regulation shall be in capital letters or underlining, as determined by the committee; language to be deleted shall be enclosed in brackets and a new regulation or new section of a regulation shall be preceded by the word "(NEW)" in capital letters. Each proposed regulation shall have a statement of its purpose following the final section of the regulation. (4) The committee may permit any proposed regulation, including, but not limited to, a proposed regulation which by reference incorporates in whole or in part, any other code, rule, regulation, standard or specification, to be submitted in summary form together with a statement of purpose for the proposed regulation. On and after October 1, 1994, if the committee finds that a federal statute requires, as a condition of the state exercising regulatory authority, that a Connecticut regulation at all times must be identical to a federal statute or regulation, then the committee may approve a Connecticut regulation that by reference specifically incorporates future amendments to such federal statute or regulation provided the agency that proposed the Connecticut regulation shall submit for approval amendments to such Connecticut regulations to the committee not later than thirty days after the effective date of such amendment, and provided further the committee may hold a public hearing on such Connecticut amendments. (5) The agency shall append a copy of the fiscal note, prepared pursuant to subsection (a) of section 4-168, to each copy of the proposed regulation. At the time of submission to the committee, the agency shall submit an electronic copy of the proposed regulation and the fiscal note to (A) the Office of Fiscal Analysis which, not later than seven days after receipt, shall submit an analysis of the fiscal note to the committee; and (B) each joint standing committee of the General Assembly having cognizance of the subject matter of the proposed regulation. No regulation shall be found invalid due to the failure of an agency to submit a copy of the proposed regulation and the fiscal note to each committee of cognizance, provided such regulation and fiscal note has been submitted to one such committee.</p> <p>(c) The committee shall review all proposed regulations and, in its discretion, may hold public hearings thereon, and may approve, disapprove or reject without prejudice, in whole or in part, any such regulation. If the committee fails to so approve, disapprove or reject without prejudice a proposed regulation, within sixty-five days after the date of submission as provided in subsection</p>
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	<p>(b) of this section, the committee shall be deemed to have approved the proposed regulation for purposes of this section.</p> <p>(d) If the committee disapproves a proposed regulation in whole or in part, it shall give notice of the disapproval and the reasons for the disapproval to the agency, and no agency shall thereafter issue any regulation or directive or take other action to implement such disapproved regulation or part thereof, as the case may be, except that the agency may adopt a substantively new regulation in accordance with the provisions of this chapter, provided the General Assembly may reverse such disapproval under the provisions of section 4-171. If the committee disapproves any regulation proposed for the purpose of implementing a federally subsidized or assisted program, the General Assembly shall be required to either sustain or reverse the disapproval.</p> <p>(e) If the committee rejects a proposed regulation without prejudice, in whole or in part, it shall notify the agency of the reasons for the rejection and the agency shall resubmit the regulation in revised form, if the adoption of such regulation is required by the general statutes or any public or special act, not later than the first Tuesday of the second month following such rejection without prejudice and may so resubmit any other regulation, in the same manner as provided in this section for the initial submission with a summary of revisions identified by paragraph. The committee shall review and take action on such revised regulation no later than thirty-five days after the date of submission, as provided in subsection (b) of this section. Posting of the notice online pursuant to the provisions of section 4-168 shall not be required in the case of such resubmission.</p> <p>(f) If an agency fails to submit any regulation approved in whole or in part by the standing legislative regulation review committee to the office of the Secretary of the State as provided in section 4-172, not later than fourteen days after the date of approval, the agency shall notify the committee, not later than five days after such fourteen-day period, of its reasons for failing to submit such regulation. If any agency fails to comply with the time limits established under subsection (b) of section 4-168 or under subsection (e) of this section, the administrative head of such agency shall submit to the committee a written explanation of the reasons for such noncompliance. The committee, upon the affirmative vote of two-thirds of its members, may grant an extension of the time limits established under subsection (b) of section 4-168 and under subsection (e) of this section. If no such extension is granted, the administrative head of the agency shall personally appear before the standing legislative regulation review committee, at a time prescribed by the committee, to explain such failure to comply. After any such appearance, the committee may, upon the affirmative vote of two-thirds of its members, report such noncompliance to the Governor. Within fourteen days thereafter the Governor shall report to the committee concerning the action the Governor has taken to ensure compliance with the provisions of section 4-168 and with the provisions of this section.”</p> <p>(1971, P.A. 854, S. 5; 1972, P.A. 258, S. 2; P.A. 73-396, S. 1, 2; P.A. 76-297, S. 2; 76-434, S. 3, 12; P.A. 78-283, S. 2; P.A. 79-623, S. 2, 8; P.A. 80-471, S. 4; P.A. 83-322, S. 1, 2; P.A. 85-608, S. 2; P.A. 86-250, S. 2, 4; 86-403, S. 9, 132; P.A. 88-317, S. 5, 107; P.A. 90-124, S. 2; P.A. 94-76; P.A. 95-41; P.A. 99-90, S. 5; P.A. 01-195, S. 75, 181; P.A. 05-288, S. 17; P.A. 09-19, S. 4; P.A. 11-150, S. 19; P.A. 12-92, S. 4, 5.)</p> <p><i>On and after July 1, 2014, CGS 4-170 will read as follows.</i></p> <p><i>PA 13-247, Sec. 31. Section 4-170 of the general statutes, as amended by sections 4 and 5 of public</i></p>
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	<p><i>act 12-92, is repealed and the following is substituted in lieu thereof (Effective July 1, 2014, and applicable to regulations noticed on and after said date):</i></p> <p><i>(a) There shall be a standing legislative committee to review all regulations of the several state departments and agencies following the proposal thereof, which shall consist of eight members of the House of Representatives, four from each major party, to be appointed on the first Wednesday after the first Monday in January in the odd-numbered years, by the speaker of said House, and six members of the Senate, three from each major party, to be appointed on or before said dates by the president pro tempore of the Senate. The members shall serve for the balance of the term for which they were elected. Vacancies shall be filled by appointment by the authority making the appointment. [The members of the committee shall elect from among their members two cochairpersons, one of whom shall be a member of the Senate and one of whom shall be a member of the House of Representatives, and either of whom] <u>There shall be two cochairpersons, one of whom shall be a member of the Senate and one of whom shall be a member of the House of Representatives, each appointed by the applicable appointing authority, provided the cochairpersons shall not be members of the same political party and shall be from alternate parties in the respective houses in each successive term. For purposes of this section, "appointing authority" means the speaker or minority leader of the House of Representatives and the president pro tempore or minority leader of the Senate, as appropriate according to the respective house and party of the member to be appointed. Each chairperson may call meetings of the committee for the performance of its duties.</u></i></p> <p><i>(b) (1) No adoption, amendment or repeal of any regulation, except a regulation issued pursuant to subsection (f) of section 4-168, <u>as amended by this act</u>, shall be effective until (A) the original <u>and an electronic copy</u> of the proposed regulation approved by the Attorney General, as provided in section 4-169, <u>as amended by this act, and an electronic copy of</u> the regulatory flexibility analyses as provided in section 4-168a [and an electronic copy thereof] are submitted to the standing legislative regulation review committee [at the designated office of the committee,] in a manner designated by the committee, by the agency proposing the regulation, (B) the regulation is approved by the committee, at a regular meeting or a special meeting called for the purpose, and (C) a certified <u>electronic copy</u> of the regulation [and an electronic copy are] <u>is submitted to the office of the Secretary of the State by the agency, as provided in section 4-172, as amended by this act, and the regulation is posted [online] on the eRegulations System by the Secretary.</u> (2) The date of submission for purposes of subsection (c) of this section shall be the first Tuesday of each month. Any regulation received by the committee on or before the first Tuesday of a month shall be deemed to have been submitted on the first Tuesday of that month. Any regulation submitted after the first Tuesday of a month shall be deemed to be submitted on the first Tuesday of the next succeeding month. (3) The form of proposed regulations which are submitted to the committee shall be as follows: New language added to an existing regulation shall be [in capital letters or underlining, as determined by the committee] <u>underlined</u>; language to be deleted shall be enclosed in brackets and a new regulation or new section of a regulation shall be preceded by the word "(NEW)" in capital letters. Each proposed regulation shall have a statement of its purpose following the final section of the regulation. (4) The committee may permit any proposed regulation, including, but not limited to, a proposed regulation which by reference incorporates in whole or in part, any other code, rule, regulation, standard or specification, to be submitted in summary form together with a statement of purpose for the proposed regulation. On and after October 1, 1994, if the committee finds that a federal statute requires, as a condition of the state exercising regulatory authority, that a Connecticut regulation at all times must be identical to a federal statute or regulation, then the</i></p>
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	<p><i>committee may approve a Connecticut regulation that by reference specifically incorporates future amendments to such federal statute or regulation provided the agency that proposed the Connecticut regulation shall submit for approval amendments to such Connecticut regulations to the committee not later than thirty days after the effective date of such amendment, and provided further the committee may hold a public hearing on such Connecticut amendments. (5) The agency shall [append] <u>attach</u> a copy of the fiscal note, prepared pursuant to subsection (a) of section 4-168, <u>as amended by this act</u>, to each copy of the proposed regulation. At the time of submission to the committee, the agency shall submit an electronic copy of the proposed regulation and the fiscal note to (A) the Office of Fiscal Analysis which, not later than seven days after receipt, shall submit an analysis of the fiscal note to the committee; and (B) each joint standing committee of the General Assembly having cognizance of the subject matter of the proposed regulation. No regulation shall be found invalid due to the failure of an agency to submit [a] <u>an electronic</u> copy of the proposed regulation and the fiscal note to each committee of cognizance, provided such regulation and fiscal note [has] <u>have</u> been <u>electronically</u> submitted to one such committee.</i></p> <p><i>(c) The committee shall review all proposed regulations and, in its discretion, may hold public hearings thereon, and may approve, disapprove or reject without prejudice, in whole or in part, any such regulation. If the committee fails to so approve, disapprove or reject without prejudice a proposed regulation, within sixty-five days after the date of submission as provided in subsection (b) of this section, the committee shall be deemed to have approved the proposed regulation for purposes of this section.</i></p> <p><i>(d) If the committee disapproves a proposed regulation in whole or in part, it shall give notice of the disapproval and the reasons for the disapproval to the agency, and no agency shall thereafter issue any regulation or directive or take other action to implement such disapproved regulation or part thereof, as the case may be, except that the agency may adopt a substantively new regulation in accordance with the provisions of this chapter, provided the General Assembly may reverse such disapproval under the provisions of section 4-171. If the committee disapproves any regulation proposed for the purpose of implementing a federally subsidized or assisted program, the General Assembly shall be required to either sustain or reverse the disapproval.</i></p> <p><i>(e) If the committee rejects a proposed regulation without prejudice, in whole or in part, it shall notify the agency of the reasons for the rejection and the agency shall resubmit the regulation in revised form, if the adoption of such regulation is required by the general statutes or any public or special act, not later than the first Tuesday of the second month following such rejection without prejudice and may so resubmit any other regulation, in the same manner as provided in this section for the initial submission with a summary of revisions identified by paragraph. The committee shall review and take action on such revised regulation no later than thirty-five days after the date of submission, as provided in subsection (b) of this section. Posting of the notice [online] <u>on the eRegulations System</u> pursuant to the provisions of section 4-168, <u>as amended by this act</u>, shall not be required in the case of such resubmission.</i></p> <p><i>(f) If an agency fails to submit any regulation approved in whole or in part by the standing legislative regulation review committee to the office of the Secretary of the State as provided in section 4-172, <u>as amended by this act</u>, not later than fourteen days after the date of approval, the agency shall notify the committee, not later than five days after such fourteen-day period, of its reasons for failing to submit such regulation. If any agency fails to comply with the time limits</i></p>
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	<p><i>established under subsection (b) of section 4-168, <u>as amended by this act</u>, or under subsection (e) of this section, the administrative head of such agency shall submit to the committee a written explanation of the reasons for such noncompliance. The committee, upon the affirmative vote of two-thirds of its members, may grant an extension of the time limits established under subsection (b) of section 4-168, <u>as amended by this act</u>, and under subsection (e) of this section. If no such extension is granted, the administrative head of the agency shall personally appear before the standing legislative regulation review committee, at a time prescribed by the committee, to explain such failure to comply. After any such appearance, the committee may, upon the affirmative vote of two-thirds of its members, report such noncompliance to the Governor. Within fourteen days thereafter the Governor shall report to the committee concerning the action the Governor has taken to ensure compliance with the provisions of section 4-168, <u>as amended by this act</u>, and with the provisions of this section.</i></p>
Currently in effect	<p>Sec. 4-170a. Review of old regulations. Section 4-170a is repealed.</p> <p>(P.A. 73-512; P.A. 88-317, S. 106, 107.)</p> <p>Sec. 4-170b. Agency submission to legislative regulation review committee upon failure to submit or resubmit required regulations. On or before December first of each year, each agency shall submit to the standing legislative regulation review committee:</p> <p>(1) A list of every section of the general statutes that requires the agency to adopt regulations on or before January first of such year if the agency (A) has not submitted the proposed regulations to the committee as provided in section 4-170 by said December first, or (B) submitted proposed regulations which were rejected without prejudice by the committee and the agency has not resubmitted the proposed regulations to the committee as provided in section 4-170 by said December first;</p> <p>(2) A date by which the agency proposes to submit or resubmit each of the proposed regulations; and</p> <p>(3) An explanation in writing by the administrative head of the agency of the reasons each such proposed regulation was not submitted or resubmitted to the committee on or before the date by which the agency is required by the general statutes to adopt the regulation.</p> <p>(P.A. 97-29, S. 1, 3.)</p> <p>Sec. 4-171. Submission to General Assembly of disapproved regulations and list of required regulations not submitted or resubmitted to legislative regulation review committee. On or before February fifteenth of each regular session of the General Assembly, the cochairpersons of the standing legislative regulation review committee shall submit to the General Assembly for its study (1) a copy of all proposed regulations which have been disapproved by the standing committee under subsection (c) of section 4-170, and (2) a list by agency of each section of the general statutes that requires the agency to adopt regulations on or before January first of the preceding year which the agency did not submit or resubmit to the committee by December first of such year as provided in section 4-170b. Such regulations that were disapproved shall be referred by the speaker of the House or by the president pro tempore of the Senate to an appropriate committee</p>

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	<p>for its consideration and the committee shall schedule hearings thereon. The General Assembly may, by resolution, either sustain or reverse a vote of disapproval of the standing committee under the provisions of said subsection (c), except that if the General Assembly fails during its regular session to reverse by resolution the disapproval of a regulation proposed for the purpose of implementing a federally subsidized or assisted program, the vote of disapproval shall be deemed sustained for purposes of this section and the proposed regulation shall not become effective. Any action of the General Assembly under the provisions of this section shall be effective as of the date of passage of the resolution in the second house of the General Assembly.</p> <p style="text-align: center;">(1971, P.A. 854, S. 6; P.A. 76-297, S. 3; P.A. 80-471, S. 5; P.A. 88-317, S. 6, 107; P.A. 90-230, S. 4, 101; P.A. 97-29, S. 2, 3.)</p>
<p>PA 12-92, Section 6, is effective July 1, 2013 until 10/1/2014, when Section 32 of PA 13-247 becomes effective</p>	<p>Sec. 4-172. Submittal of certified and electronic copies of regulations to Secretary of the State. Posting online. Effective date. (a) After approval of a regulation as required by sections 4-169 and 4-170, or after reversal of a decision of the standing committee by the General Assembly pursuant to section 4-171, each agency shall submit to the office of the Secretary of the State a certified copy and an electronic copy of such regulation. The agency shall file with such electronic copy a statement from the department head of such agency certifying that such electronic copy is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170. Each regulation when so electronically submitted shall be in the form intended for posting online, and each section of the regulation shall include the appropriate regulation section number and a section heading. The Secretary of the State shall, not later than five calendar days after the electronic submission by the agency, post each such regulation online.</p> <p>(b) Each regulation hereafter adopted is effective upon its posting online by the Secretary of the State in accordance with this section, except that: (1) If a later date is required by statute or specified in the regulation, the later date is the effective date; (2) a regulation may not be effective before the effective date of the public act requiring or permitting the regulation; and (3) subject to applicable constitutional or statutory provisions, an emergency regulation becomes effective immediately upon electronic submission to the Secretary of the State, or at a stated date less than twenty days thereafter, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The agency's finding and a brief statement of the reasons therefor shall be submitted with the regulation. The agency shall take appropriate measures to make emergency regulations known to the persons who may be affected by them including, but not limited to, by posting such emergency regulations on the agency's Internet web site."</p> <p style="text-align: center;">(1971, P.A. 854, S. 7; P.A. 88-317, S. 7, 107; P.A. 12-92, S. 6.)</p> <p><i>On and after October 1, 2014, CGS 4-172 will read as follows:</i></p> <p><i>PA 13-247, Sec. 32. Section 4-172 of the general statutes, as amended by section 6 of public act 12-92, is repealed and the following is substituted in lieu thereof (Effective October 1, 2014, and applicable to regulations noticed on and after said date):</i></p> <p><i>(a) After approval of a regulation as required by sections 4-169, <u>as amended by this act</u>, and 4-170, <u>as amended by this act</u>, or after reversal of a decision of the standing <u>legislative regulation</u></i></p>

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	<p><i>review committee by the General Assembly pursuant to section 4-171, each agency shall submit to the office of the Secretary of the State a certified [copy and an] electronic copy of such regulation. [The] Concomitantly, the agency shall electronically file with [such] the electronic copy of the regulation a statement from the department head of such agency certifying that [such] the electronic copy of the regulation is a true and accurate copy of the regulation approved in accordance with sections 4-169, as amended by this act, and 4-170, as amended by this act. Each regulation when so electronically submitted shall be in the form [intended] prescribed by the Secretary of the State for posting [online] on the eRegulations System, and each section of the regulation shall include the appropriate regulation section number and a section heading. The Secretary of the State shall, not later than five calendar days after the electronic submission by the agency, post each such regulation [online] on the eRegulations System.</i></p> <p><i>(b) Each regulation hereafter adopted is effective upon its posting [online] on the eRegulations System by the Secretary of the State in accordance with this section, except that: (1) If a later date is required by statute or specified in the regulation, the later date is the effective date; (2) a regulation may not be effective before the effective date of the public act requiring or permitting the regulation; and (3) subject to applicable constitutional or statutory provisions, an emergency regulation becomes effective immediately upon electronic submission to the Secretary of the State, or at a stated date less than twenty days thereafter, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The agency's finding and a brief statement of the reasons therefor shall be submitted with the regulation. The agency shall take appropriate measures to make emergency regulations known to the persons who may be affected by them including, but not limited to, by posting such emergency regulations on the [agency's Internet web site] eRegulations System.</i></p>
<p>PA 13-247, Sec. 33. (Effective July 1, 2013):</p>	<p>Section 4-173 of the general statutes, as amended by section 7 of public act 12-92, is repealed and the following is substituted in lieu thereof</p> <p>[(a) The Secretary of the State shall post online a compilation of all effective regulations adopted by all state agencies subsequent to October 27, 1970, in a manner that is easily accessible to and searchable by the public.] The Secretary of the State may omit from [such compilation] <u>the eRegulations System</u> (1) any regulation that is incorporated by reference into a Connecticut regulation and published by or otherwise available in printed or electronic form from a federal agency or a government agency of another state, and (2) any regulation that is incorporated by reference into a Connecticut regulation and to which a third party holds the intellectual property rights, until such time as the Secretary of the Office of Policy and Management obtains a licensing agreement in accordance with section 4-67q. [If] <u>On and after October 1, 2014, if</u> the Secretary of the State omits a regulation from the [compilation] <u>eRegulations System</u>, the Secretary shall [publish] <u>post</u> in the [compilation] <u>system</u> a notice identifying the omitted regulation, stating the general subject matter of the regulation and stating an address, telephone number, web site link, if applicable, and any other information needed to obtain a copy of the regulation. The Secretary of the State shall also provide a web site link, if applicable, to any regulation that is incorporated by reference into a Connecticut regulation. Such information shall be kept current and updated not less than quarterly.</p> <p>[(b) All regulations posted online pursuant to subsection (a) of this section shall be accessible to the public and shall be the official version of the regulations of Connecticut state agencies for all</p>

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	<p>purposes, including all legal and administrative proceedings. The Secretary of the State may adopt regulations, in accordance with the provisions of this chapter, specifying the format in which state agencies shall submit the final approved version of such regulations and all other documents required pursuant to this section and sections 4-167, 4-168, 4-170 and 4-172.]</p>
<p>PA 12-92 Section 9, is effective July 1, 2013 until 10/1/2014, when Section 34 of PA 13-247 becomes effective</p>	<p>Sec. 17b-10. (Formerly Sec. 17-3f). Department of Social Services policy manuals. Distribution. Regulations. (a) The Department of Social Services shall prepare and routinely update state medical services and public assistance manuals. The pages of such manuals shall be consecutively numbered and indexed, containing all departmental policy regulations and substantive procedure, written in clear and concise language. Said manuals shall be published by the department, posted on the Internet web site of the department and distributed so that they are available to (1) all regional and subregional offices of the Department of Social Services; (2) each town hall in the state; (3) all legal assistance programs in the state; and (4) any interested member of the public who requests a copy. All policy manuals of the department, as they exist on May 23, 1984, including the supporting bulletins but not including statements concerning only the internal management of the department and not affecting private rights or procedures available to the public, shall be construed to have been adopted as regulations in accordance with the provisions of chapter 54. After May 23, 1984, any policy issued by the department, except a policy necessary to conform to a requirement of a federal or joint federal and state program administered by the department, including, but not limited to, the state supplement program to the Supplemental Security Income Program, shall be adopted as a regulation in accordance with the provisions of chapter 54.</p> <p>(b) The department shall adopt as a regulation in accordance with the provisions of chapter 54, any new policy necessary to conform to a requirement of an approved federal waiver application initiated in accordance with section 17b-8 and any new policy necessary to conform to a requirement of a federal or joint state and federal program administered by the department, including, but not limited to, the state supplement program to the Supplemental Security Income Program, but the department may operate under such policy while it is in the process of adopting the policy as a regulation, provided the Department of Social Services posts such policy on its Internet web site, submits such policy electronically to the Secretary of the State for posting online prior to adopting the policy and prints notice of intent to adopt the regulation in the Connecticut Law Journal not later than twenty days after adopting the policy. Such policy shall be valid until the time final regulations are effective.</p> <p>(c) On and after July 1, 2004, the department shall submit proposed regulations that are required by subsection (b) of this section to the standing legislative regulation review committee, as provided in subsection (b) of section 4-170, not later than one hundred eighty days after publication of the notice of its intent to adopt regulations. The department shall include with the proposed regulation a statement identifying (1) the date on which the proposed regulation became effective as a policy as provided in subsection (b) of this section, and (2) any provisions of the proposed regulation that are no longer in effect on the date of the submittal of the proposed regulation, together with a list of all policies that the department has operated under, as provided in subsection (b) of this section, that superseded any provision of the proposed regulation.</p> <p>(d) In lieu of submitting proposed regulations by the date specified in subsection (c) of this</p>

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	<p>section, the department may submit to the legislative regulation review committee a notice not later than thirty-five days before such date that the department will not be able to submit the proposed regulations on or before such date and shall include in such notice (1) the reasons why the department will not submit the proposed regulations by such date, and (2) the date by which the department will submit the proposed regulations. The legislative regulation review committee may require the department to appear before the committee at a time prescribed by the committee to further explain such reasons and to respond to any questions by the committee about the policy. The legislative regulation review committee may request the joint standing committee of the General Assembly having cognizance of matters relating to human services to review the department's policy, the department's reasons for not submitting the proposed regulations by the date specified in subsection (c) of this section and the date by which the department will submit the proposed regulations. Said joint standing committee may review the policy, such reasons and such date, may schedule a hearing thereon and may make a recommendation to the legislative regulation review committee.</p> <p>(e) If amendments to an existing regulation are necessary solely to conform the regulation to amendments to the general statutes, and if the amendments to the regulation do not entail any discretion by the department, the department may elect to comply with the requirements of subsection (a) of section 4-168 or may proceed without prior notice or hearing, provided the department has posted such amendments on its Internet web site. Any such amendments to a regulation shall be submitted in the form and manner prescribed in subsection (b) of section 4-170, to the Attorney General, as provided in section 4-169, and to the committee, as provided in section 4-170, for approval and upon approval shall be submitted to the office of the Secretary of the State for posting online in accordance with section 4-172.</p> <p>(P.A. 75-420, S. 4, 6; 75-610, S. 1, 2; P.A. 77-614, S. 587, 608, 610; P.A. 78-303, S. 85, 136; P.A. 84-150, S. 1, 2; P.A. 85-564, S. 1, 12; P.A. 86-415, S. 1, 10; P.A. 88-156, S. 9; P.A. 93-262, S. 1, 87; P.A. 04-76, S. 7; 04-166, S. 1; 04-257, S. 112; P.A. 12-92, S. 9.)</p> <p><i>On and after October 1, 2014, CGS 17b-10 will read as follows:</i></p> <p><i>PA 13-247, Sec. 34. Section 17b-10 of the general statutes, as amended by section 9 of public act 12-92, is repealed and the following is substituted in lieu thereof (Effective October 1, 2014, and applicable to regulations noticed on and after said date):</i></p> <p><i>(a) The Department of Social Services shall prepare and routinely update state medical services and public assistance manuals. The pages of such manuals shall be consecutively numbered and indexed, containing all departmental policy regulations and substantive procedure, written in clear and concise language. Said manuals shall be published by the department [, posted on the Internet web site of the department and distributed so that they are available to (1) all regional and subregional offices of the Department of Social Services; (2) each town hall in the state; (3) all legal assistance programs in the state; and (4) any interested member of the public who requests a copy] and, on or before October 1, 2014, be posted on the eRegulations System. Any updates of said manuals subsequent to October 1, 2014, shall be posted on the eRegulations System. All policy manuals of the department, as they exist on May 23, 1984, including the supporting bulletins but not including statements concerning only the internal management of the department and not affecting private rights or procedures available to the public, shall be construed to have been adopted as regulations in accordance with the provisions of chapter 54. After May 23, 1984, any</i></p>
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	<p><i>policy issued by the department, except a policy necessary to conform to a requirement of a federal or joint federal and state program administered by the department, including, but not limited to, the state supplement program to the Supplemental Security Income Program, shall be adopted as a regulation in accordance with the provisions of chapter 54.</i></p> <p><i>(b) The department shall adopt as a regulation in accordance with the provisions of chapter 54, any new policy necessary to conform to a requirement of an approved federal waiver application initiated in accordance with section 17b-8 and any new policy necessary to conform to a requirement of a federal or joint state and federal program administered by the department, including, but not limited to, the state supplement program to the Supplemental Security Income Program, but the department may operate under such policy while it is in the process of adopting the policy as a regulation, provided the [Department of Social Services] <u>department</u> posts such policy on <u>its</u> Internet web site, submits such policy electronically to the Secretary of the State for posting online prior to adopting the policy and prints notice of intent to adopt the regulation in the Connecticut Law Journal not later than twenty days after adopting the policy] <u>the eRegulations System prior to adopting the policy</u>. Such policy shall be valid until the time final regulations are effective.</i></p> <p><i>(c) On and after July 1, 2004, the department shall submit proposed regulations that are required by subsection (b) of this section to the standing legislative regulation review committee, as provided in subsection (b) of section 4-170, <u>as amended by this act</u>, not later than one hundred eighty days after [publication] <u>posting</u> of the notice of its intent to adopt regulations <u>on the eRegulations System</u>. The department shall include with the proposed regulation a statement identifying (1) the date on which the proposed regulation became effective as a policy as provided in subsection (b) of this section, and (2) any provisions of the proposed regulation that are no longer in effect on the date of the submittal of the proposed regulation, together with a list of all policies that the department has operated under, as provided in subsection (b) of this section, that superseded any provision of the proposed regulation.</i></p> <p><i>(d) In lieu of submitting proposed regulations by the date specified in subsection (c) of this section, the department may <u>electronically</u> submit to the legislative regulation review committee a notice not later than thirty-five days before such date that the department will not be able to submit the proposed regulations on or before such date and shall include in such notice (1) the reasons why the department will not submit the proposed regulations by such date, and (2) the date by which the department will submit the proposed regulations. The legislative regulation review committee may require the department to appear before the committee at a time prescribed by the committee to further explain such reasons and to respond to any questions by the committee about the policy. The legislative regulation review committee may request the joint standing committee of the General Assembly having cognizance of matters relating to human services to review the department's policy, the department's reasons for not submitting the proposed regulations by the date specified in subsection (c) of this section and the date by which the department will submit the proposed regulations. Said joint standing committee may review the policy, such reasons and such date, may schedule a hearing thereon and may make a recommendation to the legislative regulation review committee.</i></p> <p><i>(e) If amendments to an existing regulation are necessary solely to conform the regulation to amendments to the general statutes, and if the amendments to the regulation do not entail any</i></p>
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	<p><i>discretion by the department, the department may elect to comply with the requirements of subsection (a) of section 4-168, <u>as amended by this act</u>, or may proceed without prior notice or hearing, provided the department has posted such amendments on [its Internet web site] the <u>eRegulations System</u>. Any such amendments to a regulation shall be submitted in the form and manner prescribed in subsection (b) of section 4-170, <u>as amended by this act</u>, to the Attorney General, as provided in section 4-169, <u>as amended by this act</u>, and to the committee, as provided in section 4-170, <u>as amended by this act</u>, for approval and upon approval shall be submitted to the office of the Secretary of the State for posting [online] <u>on the eRegulations System</u> in accordance with section 4-172, <u>as amended by this act</u>.</i></p>
<p>PA 12-92, Section 10, is effective July 1, 2013 until 10/1/2014, when Section 35 of PA 13-247 becomes effective</p>	<p>Sec. 17b-423. (Formerly Sec. 17a-306). Community services policy manual. Regulations. (a) The Department of Social Services shall prepare and routinely update a community services policy manual. The pages of such manual shall be consecutively numbered and indexed, containing all departmental policy regulations and substantive procedure. Such manual shall be published by the department, posted on the Internet web site of the department and distributed so that it is available to all district, subdistrict and field offices of the Department of Social Services. The Department of Social Services shall adopt such policy manual in regulation form in accordance with the provisions of chapter 54. The department may operate under any new policy necessary to conform to a requirement of a federal or joint state and federal program. The department may operate under any new policy while it is in the process of adopting the policy in regulation form, provided the Department of Social Services posts such policy on its Internet web site and submits such policy electronically to the Secretary of the State for posting online prior to adopting the policy and prints notice of intent to adopt the regulations in the Connecticut Law Journal not later than twenty days after adopting the policy. Such policy shall be valid until the time final regulations are effective.</p> <p>(b) The Department of Social Services shall write the community services policy manual using plain language as described in section 42-152. The manual shall include an index for frequent referencing and a separate section or manual which specifies procedures to follow to clarify policy.</p> <p>(P.A. 86-368, S. 4, 5; P.A. 93-262, S. 1, 87; P.A. 03-278, S. 67; P.A. 12-92, S. 10.)</p> <p><i>On and after October 1, 2014, CGS 17b-423 will read as follows:</i></p> <p><i>Sec. 35. Section 17b-423 of the general statutes, as amended by section 10 of public act 12-92, is repealed and the following is substituted in lieu thereof (Effective October 1, 2014, and applicable to regulations noticed on and after said date):</i></p> <p><i>[(a) The Department of Social Services shall prepare and routinely update a community services policy manual. The pages of such manual shall be consecutively numbered and indexed, containing all departmental policy regulations and substantive procedure. Such manual shall be published by the department, posted on the Internet web site of the department and distributed so that it is available to all district, subdistrict and field offices of the Department of Social Services. The Department of Social Services shall adopt such policy manual in regulation form in accordance with the provisions of chapter 54.] The Department on Aging shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes, programs and services</i></p>

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	<p><i>authorized pursuant to the Older Americans Act of 1965, as amended from time to time. The department may operate under any new policy necessary to conform to a requirement of a federal or joint state and federal program [The department may operate under any new policy] while it is in the process of adopting the policy in regulation form, provided the [Department of Social Services] department posts such policy on [its Internet web site and submits such policy electronically to the Secretary of the State for posting online prior to adopting the policy and prints notice of intent to adopt the regulations in the Connecticut Law Journal] the eRegulations System not later than twenty days after adopting the policy. Such policy shall be valid until the time final regulations are effective.</i></p> <p><i>[(b) The Department of Social Services shall write the community services policy manual using plain language as described in section 42-152. The manual shall include an index for frequent referencing and a separate section or manual which specifies procedures to follow to clarify policy.]</i></p>
Sec. 36. (Effective July 1, 2013)	<p>(NEW) The Department of Social Services shall make technical and structural changes to the Uniform Policy Manual to conform to the numbering system, organization, form and style of the regulations of Connecticut state agencies. Notwithstanding the provisions of chapter 54 of the general statutes, the department may make such changes without complying with the provisions of said chapter concerning regulation-making proceedings. The department shall submit such changes to the standing legislative regulations review committee for review in accordance with this section. Any review of such changes by said committee shall be limited to confirming that such changes are technical and structural in nature in accordance with this section. If the committee does not act in response to the department's submission not later than forty-five days after such submission, such changes shall be deemed approved. Upon approval, the department shall transmit a certified electronic copy of such changes to the Secretary of the State for the Secretary to post on the eRegulations System. At the time that the Secretary posts such changes on the eRegulations System, the corresponding sections of the Uniform Policy Manual shall be deemed superseded.</p>
Sec. 388. (Effective from passage)	<p>Sections 4-60t, 4-124q, 4-173a, 19a-724, 19a-724a and 19a-724b of the general statutes, section 4 of public act 12-166 and section 105 of public act 13-184 are repealed. (Effective from passage)</p> <p>Note: Sections 11 and 12 of Public Act 12-92 were codified to CGS Sections 4-60t and 4-173a, and were due to become effective July 1, 2013. Pursuant to Section 388 of Public Act 13-247, sections 4-60t and 4-173a are repealed.</p>